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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,674	09/15/2003	Koichi Osawa	117150	9133
25944	7590	01/12/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				TRAN, BINH Q
ART UNIT		PAPER NUMBER		
		3748		

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,674	OSAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BINH Q. TRAN	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 October 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) 6-8,10-14,18,20 and 21 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5,9,15-17,19 and 22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/15/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This office action is in response to the election/restriction requirement filed September 22, 2004.

### *Response To Election/Restriction*

Applicant's election without traverse of the species of Figures 1-7, in response to the election/restriction requirement mailed September 22, 2004, is acknowledged.

Claims 6-8, 10-14, 18, and 20-21 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse filed October 21, 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP 821.01.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

*Claims 1-5, 9, 15-17, 19, and 22 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kusada et al. (Kusada) (Patent Number 6,173,569).*

Regarding claims 1, 9, 15, 19, and 22, Kusada discloses a power output apparatus comprising: an engine (1) including a combustion chamber (4); a fuel supply device (12) for supplying fuel into the combustion chamber; an exhaust gas purification device (15) for purifying gas emitted from the combustion chamber by a catalyst; and a control device (40) for controlling said fuel supply device to perform a fuel supply stop process of stopping supply of the fuel after performing a fuel increase process of increasing an amount of the fuel in the combustion chamber from that at a present state, as a control for preventing deterioration of the catalyst upon stopping said engine (e.g. See Fig. 1-6; col. 5, lines 24-67; col. 6, lines 1-57; Steps 301-311 and 601-606); and a motor generator (e.g. MG1, MG2) apparatus which can generate electric power by using at least one portion of an output of said engine and which can output a driving force through a drive shaft (e.g. See col. 4, lines 39-61).

Regarding claim 2, Kusada further discloses that the control device controls said fuel supply device such that a start time point of the fuel supply stop process coincides with a start time point of a process of stopping said engine (e.g. See Fig. 1-6; Steps 301-311 and 601-606).

Regarding claim 3, Kusada further discloses that the control device controls said fuel supply device to perform the fuel increase process depending on a temperature of the catalyst (e.g. See col. 6, lines 14-57).

Regarding claim 4, Kusada further discloses that the control device controls said fuel supply device to perform the fuel increase process if the temperature of the catalyst is above a predetermined temperature threshold value (e.g. See col. 6, lines 14-57).

Regarding claim 5, Kusada further discloses that the control device controls said fuel supply device such that a start time point of the fuel supply stop process is after passing two to three seconds from a start time point of the fuel increase process (e.g. See Fig. 1-6; Steps 301-311 and 601-606).

Regarding claim 16, Kusada further discloses that the engine performs an intermittent operation, and a stop time point of said engine includes a transition time point from an operating period to a down period in the intermittent operation (e.g. See Fig. 1-6; col. 5, lines 24-67; col. 6, lines 1-57; Steps 301-311 and 601-606).

Regarding claim 17, Kusada further discloses that the a fuel increase process of increasing an amount of fuel in the combustion chamber from that at a present state upon stopping the engine; and a fuel supply stop process of stopping supply of the fuel after said fuel increase process upon stopping the engine (e.g. See Fig. 1-6; col. 5, lines 24-67; col. 6, lines 1-57; Steps 301-311 and 601-606).

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of three patents:

Suzuki et al. (Patent Number 6389807), Nagai et al. (Patent Number 6792750), and Suzuki et al. (Patent Number 6581373) all discloses an exhaust gas purification for use with an internal combustion engine.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BT  
January 10, 2005

Binh Q. Tran  
Patent Examiner  
Art Unit 3748